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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,624	04/26/2001	Paul Richard Woods	10003959-1	2408

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AGILENT TECHNOLOGIES  
INTELLECTUAL PROPERTY ADMINISTRATION  
LEGAL DEPT., MS DL429  
P.O. BOX 7599  
LOVELAND, CO 80537

EXAMINER
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MYERS, PAUL R

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/844,624	<b>Applicant(s)</b> WOODS ET AL.	
	<b>Examiner</b> Paul R. Myers	<b>Art Unit</b> 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 16, 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

*RP*

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/13/05 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In regards to applicants argument that Walsh does not teach “performing a scan-based state-save by employing the scan circuitry”: The examiner agrees. However Hidehiko does teach “performing a scan-based state-save by employing the scan circuitry”. The rejection was Walsh in view of Hidehiko.

In regards to applicants argument that Walsh does not appear to teach a specific manner in which the system information is stored, typical access to a peripheral requires a call to the operating system, which in turn interfaces with a device driver software that handles a read or write access to the storage device: The examiner agrees. Walsh does not teach the specific manner in which the system information is stored. As such one is motivated to look at the Hidehiko reference for a teaching of a specific manner to save the system information.

In regards to applicants argument that “the PPU of Walsh performs a different function than the inactive state power reduction manager as claimed”: The examiner disagrees. Walsh’s PPU appears to perform the same function as claimed.

In regards to applicants argument that Walsh does not teach “an inactive state power reduction manager ... for receiving a sleep signal and responsive thereto for asserting a stop clock signal to stop a normal mode clock, for performing a scan-based state-save”, ”b) stopping a normal mode clock; c) performing a state save by employing the scan circuitry,” and “an inactive state power reduction manager ... for receiving a sleep signal and responsive thereto for asserting a stop clock signal to stop a normal mode clock for performing a scan-based state save of state information of the first integrated circuit and the and integrated circuit by using the test access port of the first integrated circuit and the second integrated circuit” as claimed: Walsh teaches a circuit comprising: a constant power area (920B Column 88 lines 42-48) that receives constant power; a switched power area (the rest of the system 100 Column 88 lines 42-48) that receives interruptible power; wherein the switched power area includes an input for receiving a normal mode clock signal (clock) and at least one transistor that is manufactured with a sub-micron semiconductor manufacturing process (column 13 lines 13-17); and an inactive state power reduction manager (920B) disposed in the constant power area (920B) for receiving a sleep signal (signal from suspend/resume switch 32), for performing a state save and for asserting a power control signal (0 volt suspend) that is used to disconnect the switched power area from a power supply (172). Walsh et al also expressly teaches stopping the clock (both stopping the clock and alternatively stopping the oscillator for the clock OSCOFF) Walsh et al does not teach the state save being a scan-based state save. Hidehiko teaches the use of a scan-based state-save and restore of data in a circuit upon power source discontinuation. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a

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scan-bases state-save as the state save in Walsh et al because this would have provided a fast method of data evacuation.

In regards to applicants argument that although Walsh et al teaches the sub-micron manufacture as claimed, Walsh fails to indicate the problem of submicron processes identified by the current application: This is irrelevant to the fact that Walsh teaches the sub-micron manufacture as claimed.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-14, 16, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al PN 5,870,617 in view of Hidehiko et al JP06052070A.

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4. In regards to claims 1, 5, 13, 18: Walsh et al teaches a circuit comprising: a constant power area (920B Column 88 lines 42-48) that receives constant power; a switched power area (the rest of the system 100 Column 88 lines 42-48) that receives interruptible power; wherein the switched power area includes an input for receiving a normal mode clock signal (clock) and at least one transistor that is manufactured with a sub-micron semiconductor manufacturing process (column 13 lines 13-17); and an inactive state power reduction manager (920B) disposed in the constant power area (920B) for receiving a sleep signal (signal from suspend/resume switch 32), for performing a state save and for asserting a power control signal (0 volt suspend) that is used to disconnect the switched power area from a power supply (172). Walsh et al also expressly teaches stopping the clock (both stopping the clock and alternatively stopping the oscillator for the clock OSCOFF) Walsh et al does not teach the state save being a scan-based state save. Hidehiko teaches the use of a scan-based state-save and restore of data in a circuit upon power source discontinuation. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a scan-bases state-save as the state save in Walsh et al because this would have provided a fast method of data evacuation.

In regards to claims 2, 19: Walsh et al teaches a power switch (28 or alternatively any of the power switches in 170) attached to the inactive state power reduction manager (920B).

In regards to claim 3: Walsh et al shows power switches in figure 20 including FET switches.

In regards to claims 4, 14: Hidehiko teaches scan control for signals for controlling the scan based state save.

In regards to claim 6: Walsh et al teaches the wake up signal being an external signal.

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In regards to claim 7: Walsh et al teaches the wake up signal being provided by a human trigger.

In regards to claims 8, 16, 20: Walsh et al teaches a memory storing the state information, including reading and writing.

In regards to claim 9: Walsh et al the memory storing the state information is a non-volatile memory.

In regards to claim 11: Walsh et al the memory storing the state information is in one of the constant powered area or the switched power area.

In regards to claim 12: Walsh et al teaches a board level circuit.

In regards to claims 21-23: Walsh et al teaches receiving a wake up signal (resume signal from switch 32), and responsive thereto for deasserting the power control signal that is used to connect the switched power area to the power supply (172), for performing a state restore.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 571 272 3639. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRM  
August 3, 2005



**PAUL R. MYERS  
PRIMARY EXAMINER**